IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1102 (M/S) of 2006

Chotey Lal,
son of Sri Ram Bharose,
resident of Durga Nagar Colony,
Opposite Govindgarh Dharamshala,
Kharkhari,
Hardwar. ….**Petitioner**

Versus

1. District Judge, Hardwar.
2. Judge, Small Cause Court / Civil Judge (Junior Division), Hardwar.
3. Rajeshwari, W/o late Sri Murlidhar, through her power of Attorney holder Sri Rajendra Kumar Sharma, S/o Ram Krishna Sharma, R/o Mandi House, Opp. Punjab National Bank, Hardwar.
4. Sudha Rani, W/o Sri Rajendra Kumar Sharma, R/o Mandi House, Opp. Punjab National Bank, Hardwar.

……Respondents

Hon'ble M.M. Ghildyal, J.

Heard Sri Alok Singh, Sr. Advocate, assisted by Ms. Mamta Joshi, learned counsel for the petitioner, Sri Lok Pal Singh, learned counsel for respondents no. 3 and 4 and Sri Harendra Belwal, learned Brief Holder, for State of Uttaranchal on behalf of respondent nos. 1 and 2.

By means of this writ petition, the petitioner has prayed to quash the order dated 24.01.2005 passed by respondent no. 2 and order dated 17.07.2006 passed by respondent no. 1.

Brief facts of the case are that petitioner is tenant in the property in dispute and respondents no. 3 and 4 are the landlords of the said property. A suit was filed by respondent nos. 3 and 4 for eviction of petitioner from the property in

dispute and the said suit was decreed in favour of landlord by respondent no. 2 and against the order passed by respondent no. 2 petitioner preferred revision before respondent no. 1 which was also dismissed.

There is concurrent finding against the petitioner. In view of the concurrent finding this court does not incline to interfere with the finding recorded by courts below.

Learned counsel for the petitioner has submitted that he is ready to vacate property in dispute for which one year's time may be granted to evict the same.

Considering the fact that petitioner is tenant in the property in dispute and also running business from the said property, I deem it fit and proper to grant one year's time to the petitioner to vacate the property in dispute.

Accordingly, petitioner shall not be evicted from the property in dispute within a year provided he shall pay entire decreetal amount and monthly rent regularly to the landlords and shall give undertaking before the court below within a period of two weeks from today that he will hand over the peaceful possession of the property in dispute to the respondents no. 3 and 4 on or before 18.08.2007.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 18, 2006
SkSharma